

**Wittels
McInturff
Palikovic**

December 15, 2020

Via ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nichols, et al. v. Noom, Inc., et al.*, No. 20 Civ. 3677 (LGS) (KHP)

Dear Judge Schofield,

Our firm represents eight individual consumer Plaintiffs from seven states and a proposed class of consumers throughout the United States who have purchased Defendant Noom, Inc.'s app-based weight loss service. Second Am. Compl. ("SAC") ¶ 1, ECF No. 88. We respectfully submit this letter motion to seal the information in Exhibit 1 to Plaintiffs' December 15 letter to Your Honor enclosing Defendants' November 24, 2020 interrogatory responses, ECF No. 126-1. In accordance with Rule I.D.3 of this Court's Individual Rules and Procedures for Civil Cases, Plaintiffs have publicly filed a version of the Exhibit that is redacted *in toto* to reflect the fact that Defendants designated the entirety of Exhibit 1 as "confidential" under the applicable protective order, ECF No. 58. Pursuant to Rule I.D.3, as the parties with an interest in the confidential treatment of the Exhibit, Defendants bear the burden of explaining why it should be sealed.

Contemporaneously with this filing, Plaintiffs are also filing under seal a copy of the unredacted Exhibit 1. Plaintiffs have highlighted the limited portions of Exhibit 1 therein that they wish to discuss with Your Honor at the Thursday, December 17 10:30 AM telephonic conference. The highlighted text is **not** the proposed redacted text, as Defendants have marked all of the Exhibit confidential.

Finally, in accordance with Rule I.D.3 included on the next page is an appendix that identifies all parties and attorneys of record who should have access to the sealed version of Exhibit 1.

Thank you for the Court's attention to this matter.

Respectfully submitted,

/s/ Steven L. Wittels
Steven L. Wittels

cc: All counsel of record (via ECF)
Magistrate Judge Katharine H. Parker (via ECF)

Appendix

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